



2021 FISHING REGULATION FINAL PROPOSALS

The fish regulation-setting process is conducted on a four-year cycle with off-cycle changes made when specific criteria are met. Every fourth year FWP seeks input from the angling public and fisheries and enforcement staff about ideas and concerns that might be addressed through regulations changes. A comprehensive review of the fishing regulations was completed for the 2020 regulations, with the next review set to occur for the 2024 regulations. Regulation changes for 2021 are considered “off-cycle” and meet one of five criteria outlined below. Except for emergency or time-sensitive changes, the regulations adopted by the commission go into effect the following March and printed in the Fishing Regulation booklet for that year.

FWP conducts full review every four years in order to give new regulations time to work and to reduce the time that staff and the public must devote to the regulation setting process. During off-years, the department may consider regulation changes generated by FWP staff. Off-cycle changes must meet one or more of the following criteria in order to bring a proposed change to the commission:

- 1) Clarifications: regulation change is needed to clarify intent of regulation or to correct typos or other errors that led to erroneous information in regulations;
- 2) Enforcement: regulation change is needed to improve enforcement efforts, to prevent illegal take, or to clarify intent to reduce innocent violations;
- 3) Conservation: regulation change is needed to conserve or protect the population of any species, but primarily Threatened and Endangered species;
- 4) Relevancy: regulation no longer has a real management purpose or value and there is little public following, constituency or controversy;
- 5) Management Plans: FWP has committed to implementing certain regulation changes if certain events transpire (e.g., changes in fish populations, angling pressure, catch rates, etc.) with proposal typically based upon goals or management objectives defined through a publicly vetted process.

Below are proposed fishing regulation changes for 2021 that meet the criteria listed above. There are 21 proposed changes, with 4 proposed changes based on conservation need. All other proposed regulations clarify regulations in place, address enforcement needs, or relevancy.

The department accepted comments on these proposed changes from August 17 to September 17. Eleven comments were received from individuals and sporting organizations. A summary of comments are provided with each proposal below.

The final fishing regulations have the following changes that were not part of the tentative regulations presented at the August commission meeting:

Note: *New language is in italics*. Deleted language is indicated by a ~~striketrough~~. Page numbers refer to the 2020 Fishing Regulations booklet.

- Department staff discovered a typo on Proposal 8, North Fork Flathead River;
- A minor change was made in the bait language in Proposals 12 and 20 to accommodate certain types of permitted fishing contests;
- An additional proposal was added for a catch, kill, and report for any Smallmouth Bass captured in the Shields River upstream of the Chadbourne Diversion.

Additional discussion for each of these changes can be found in the narrative for each proposal, provided below.

Note: *New language is in italics*. Deleted language is indicated by a ~~striketrough~~. Page numbers refer to the 2020 Fishing Regulations booklet.

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Western Fishing District

Proposal 1: Western District Walleye Catch, Kill, and Report

Page 24 add:

***Walleye:** All Walleye caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Walleye in the Western Fishing District are required to report the catch to FWP within 24 hours (406-752-5501). Anglers will be asked to provide location, date, and time of capture and may be asked to provide their full name, ALS number, and phone number. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture (frozen is allowed) during regular business hours. Does not include Clark Fork Reservoirs downstream of Thompson Falls Dam, see Exceptions for the Clark Fork River (page 30).*

Page 30 change:

Clark Fork River

Mouth of Thompson River to Idaho Border (includes Thompson Falls, Noxon Rapids, and Cabinet Gorge Reservoirs)

- Open entire year.
- Combined trout: Standard lake daily and possession limits apply.
- Catch-and-release for Cutthroat Trout.
- Bass: 5 daily and in possession; except June 15 through July 15 only 1 daily and in possession, 22 inch minimum.
- ~~Walleye: No limit.~~
- Hook and Line: 2 lines with up to 2 hooks per line all year.

Thompson Falls Dam to the Idaho border

- *Walleye: No limit.*

Page 38 remove:

Lower Thompson Lake

- Salmon: 10 daily and 20 in possession.
- Spearing: open for Northern Pike through the ice only.
- ~~Walleye: All Walleye caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Walleye in Lower Thompson Lake, Middle Thompson Lake, and Upper Thompson Lake are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture during regular business hours.~~

Page 39 remove:

Middle Thompson Lake

- Salmon: 10 daily and 20 in possession.
- Spearing: open for Northern Pike through the ice only.
- ~~Walleye: All Walleye caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Walleye in Lower Thompson Lake, Middle Thompson Lake, and Upper Thompson Lake are required to report the catch to FWP~~

~~within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture during regular business hours.~~

Page 43 remove:

Swan Lake

- Bull Trout: Catch-and-release only. All Bull Trout must be released immediately. It is unlawful to possess a live Bull Trout for any reason.
- ~~Walleye: All Walleye caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Walleye in Swan Lake and the Swan River are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture during regular business hours~~

Swan River

- No intentional fishing for Bull Trout.
- Catch-and-release for Cutthroat Trout.
- Closed to angling June 1 through September 30 within a 300-yard radius of the Woodward Creek and Lion Creek stream mouths, unless posted at a greater distance.
- ~~Walleye: All Walleye caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Walleye in Swan Lake and the Swan River are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture during regular business hours~~

Page 44 remove:

Upper Thompson Lake

- Salmon: 10 daily and 20 in possession.
- Spearing: open for Northern Pike through the ice only.
- ~~Walleye: All Walleye caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Walleye in Lower Thompson Lake, Middle Thompson Lake, and Upper Thompson Lake are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture during regular business hours~~

Rationale: Illegal introductions of Walleye have been discovered throughout the Western Fishing District, especially in FWP Region 1. The department is proposing this regulation to discourage further expansion of Walleye population in western Montana and to quickly acquire data on fish that are discovered in new waters. This strategy is consistent with management of unauthorized introductions in the Statewide Fisheries Management Program and Guide.

Off cycle criteria: Conservation. Further expansion of Walleye in the Western Fishing District jeopardizes existing native fish populations and sport fishing opportunities.

Summary of Comments: This proposal was generally supported by comments. Two commenters support the proposal as written, while 2 commenters supported walleye catch, kill, and report for all waters in the Western District, including Clark Fork River Reservoirs downstream of Thompson Falls Dam. One commenter did not support or oppose the proposal but wanted scientific evidence that this proposal will work as intended.

Department Response to Comments and Recommendation: As stated in the rationale above, this proposal is intended to stop the further expansion of Walleye in the Western District and provides the best opportunity for the department to detect and react to new introductions. Fisheries monitoring will continue on popular fishing waterbodies to determine effectiveness. The department recommends adopting the regulation as proposed.

Proposal 2: Western District Crappie Limit

Page 24 add:
Crappie: No limit.

Rationale: Crappie are illegally introduced into many Western District lakes. This regulation confirms to the angling public that FWP knows crappies are in these waters and will not reward bad behavior by creating protective regulations

Off cycle criteria: Clarification of standard regulations.

Summary of Comments: Two comments were submitted for this proposal, both preferring mandatory catch, kill, and report for crappie in the Western District on the basis that merely confirming no limit for crappie is not enough to dissuade illegal introductions to other waterbodies.

Department Response to Comments and Recommendation: The department understands the rationale for harsher crappie regulations but feels that maintaining a no limit regulation is enough to dissuade illegal introductions of crappie. The department recommends adopting the regulation as proposed.

Proposal 3: Flathead River Sloughs

Page 28 remove:

~~Church Slough~~

- ~~• Open entire year.~~
- ~~• Combined trout: 5 daily and in possession, only 1 over 22 inches.~~
- ~~• Catch and release for Cutthroat Trout.~~
- ~~• Hook and Line: 2 rods and/or lines with up to 2 hooks per line all year.~~

Page 32 remove:

~~Fennon Slough~~

- ~~• Open entire year.~~
- ~~• Combined trout: 5 daily and in possession, only 1 over 22 inches.~~

- ~~Catch and release for Cutthroat Trout.~~
- ~~Hook and Line: 2 rods and/or lines with up to 2 hooks per line all year.~~

Page 33 change:

Flathead River Sloughs

Brenneman, Church, Egan, Fennon, Half Moon, McWenegar, Mill, and Rose Creek

- Open entire year.
- Rainbow Trout: 5 daily and in possession.
- Catch-and-release for Cutthroat Trout.
- Hook and Line: 2 rods and/or lines with up to 2 hooks per line; ~~and no bait restrictions all year~~ *Western District bait regulations apply.*

Rationale: Listing Church Slough and Fennon Slough in the exceptions is redundant and not needed as they are covered under the exception for other Flathead River Sloughs. Adjusting the wording for bait regulations in Flathead River Sloughs maintains consistency with bait regulations within the fishing district.

Off cycle criteria: Clarification.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 4: Flathead River

Page 33 change:

Flathead River

Mainstem Flathead and tributaries, from confluence of North and Middle Forks to Highway 2 Bridge upstream of at Teakettle FAS

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.

Flathead Indian Reservation boundary to mouth

- ~~Open entire year.~~
- ~~Bass: Open entire year, 5 daily and in possession, no size limit.~~

Mainstem Flathead from Confluence of the North and Middle forks (near Blankenship Bridge) downstream to Flathead Lake

- Open entire year.
- No intentional fishing for Bull Trout.
- Catch-and-release for Cutthroat Trout.
- Northern Pike: February 28 to third Saturday in May closed to intentional fishing for Northern Pike.
- Rainbow Trout: 5 daily and in possession.
- Whitefish: 100 daily and in possession.

- From December 1 to third Saturday in May, maggots and artificial lures only, no artificial lures can be scented (infused, saturated, or applied).

Flathead Indian Reservation boundary to mouth

- Open entire year.
- ~~Bass: Open entire year, 5 daily and in possession, no size limit.~~

Rationale: Minor changes in wording to simplify the regulations and maintain consistency with other waterbodies in the fishing district.

Off cycle criteria: Clarification.

Summary of Comments: One comment was received which supported this proposal.

Department Recommendation: The department recommends adopting as proposed.

Proposal 5: Kootenai River

Page 36 change:

KOOTENAI RIVER

Libby Dam to Idaho Border

- *Bull Trout:* As per the District Standard Regulations, the Kootenai River is closed to angling for Bull Trout; any Bull Trout caught must be immediately released.
- *Brown Trout: No limit. All Brown Trout caught between Libby Dam and Kootenai Falls must be killed immediately, kept, and the entire fish turned into FWP. Anglers who catch Brown Trout upstream of Kootenai Falls are required to report the catch to FWP within 24 hours (406-752-5501). Anglers may be asked to provide their full name, ALS number, phone number, date and time of capture, and location on the river. Anglers are required to turn in the whole Brown Trout to a FWP office during regular business hours and within 10 days of capture.*
- *Burbot: Catch-and release.*

Libby Dam to Highway 37 Bridge, near Fisher River

- *Open June 1 through February 28.*
- *Rainbow Trout: 1 daily and in possession, 28-inch minimum length.*

Highway 37 Bridge, near Fisher River, to Idaho Border

- Open entire year.
- *Rainbow Trout: 4 daily and in possession, includes 3 under 13 inches and only 1 over 18 inches.*
- Closed to angling June 1 through September 30 within a 150-yard radius of the Quartz Creek stream mouth unless posted at a greater distance.
- ~~Catch and release for Burbot~~
- ~~Combined trout: 4 daily and in possession, includes 3 under 13 inches and only 1 over 18 inches.~~

Libby Dam to Highway 37 Bridge, near Fisher River

- ~~Open June 1 through February 28.~~
- ~~Combined trout: 1 daily and in possession, 28 inch minimum length.~~

- ~~Brown Trout: All Brown Trout must be killed immediately, kept, and the entire fish turned into FWP. Anglers who catch Brown Trout in the Kootenai River are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS Number, phone number, date and time of capture, and location on the river. Anglers are required to turn the whole Brown Trout to a FWP office during regular business hours and within 10 days of capture.~~

Libby Dam to Kootenai Falls

- ~~Brown Trout: All Brown Trout must be killed immediately, kept, and the entire fish turned into FWP. Anglers who catch Brown Trout in the Kootenai River are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS Number, phone number, date and time of capture, and location on the river. Anglers are required to turn the whole Brown Trout to a FWP office during regular business hours and within 10 days of capture.~~

Kootenai Falls to Idaho Border

- ~~Brown Trout: no limit.~~

Kootenai Falls to 0.8 miles downstream of Swinging Bridge

- Snagging: open for Kokanee Salmon from September 15 through November 30.

Rationale: No change to the intent of the regulations are expected; changes in wording to make regulations easier to understand.

Off cycle criteria: Clarification.

Summary of Comments: One comment was received which supported this proposal.

Department Recommendation: The department recommends adopting as proposed.

Proposal 6: Keeler Creek and Tributaries

Page 35 change:

Keeler Creek and Tributaries

- Open third Saturday in May through ~~August~~ *July* 15.

Rationale: This was an oversight from the previous regulation change. This change makes the dates consistent with Lake Creek (the receiving stream).

Off cycle criteria: Clarification.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 7: Middle Fork Flathead River

Page 38 change:

Middle Fork Flathead River

~~Mainstem~~ *Middle Fork Flathead River including headwaters to confluence with North Fork Flathead River (near Blankenship Bridge)*

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.

Rationale: Makes this regulation easier to understand.

Off cycle criteria: Clarification.

Summary of Comments: One comment was received which supported this proposal.

Department Recommendation: The department recommends adopting as proposed.

Proposal 8: North Fork Flathead River

Page 40 change:

North Fork Flathead River

~~Mainstem~~ *North Fork Flathead River including headwaters to confluence with Middle Fork Flathead River (near Blankenship Bridge)*

Note: Montana/Glacier National Park Boundary is the middle of the river.

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.
- Closed to angling June 1 through September 30 within a 150-yard radius of the Big Creek stream mouth unless posted at a greater distance.
- Catch-and-release for Cutthroat Trout.
- Rainbow Trout: 5 daily and in possession.
- Extended season open December 1 to third Saturday in May with artificial lures and/or maggots only.

Rationale: Makes this regulation easier to understand. The tentative regulation presented in August referenced the confluence of the wrong fork of the Flathead River. That error is corrected above.

Off cycle criteria: Clarification.

Summary of Comments: One comment was received which supported this proposal.

Department Recommendation: The department recommends adopting as proposed.

Proposal 9: South Fork Flathead River Bull Trout

Page 42 add:

South Fork Flathead River

~~Mainstem~~ *South Fork Flathead River upstream from Hungry Horse Reservoir (from Crossover Boat Ramp south and upstream to the confluence of Youngs and Danaher Creeks)*

- Bull Trout: catch-and-release from the third Saturday in May through July 31. A Hungry Horse/South Fork Flathead Bull Trout Catch Card must be in possession when fishing for Bull Trout. See Special License requirements for application information. All Bull Trout must be released immediately. It is unlawful to possess a live Bull Trout for any reason. *Angling for Bull Trout is not allowed in South Fork Flathead River tributaries or Big Salmon Lake.*

Rationale: Anglers fish for Bull Trout in tributaries of the South Fork and in Big Salmon Lake. The intent of the regulation is to allow fishing only in the mainstem South Fork Flathead River.

Off cycle criteria: Enforcement, Clarification. The intent of the regulation is to allow fishing for Bull Trout only in the mainstem South Fork Flathead River.

Summary of Comments: One comment was received which supported this proposal to clarify regulations for angling for Bull Trout in the South Fork Flathead River.

Department Recommendation: The department recommends adopting as proposed.

Proposal 10: Thompson Park Pond

Page 43 add:

Thompson Park Pond

- *Catch-and-release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession; one rod per angler.*

Rationale: Thompson Park Pond was recently developed for kid's fishing.

Off cycle criteria: Relevancy. The pond was developed with management strategies to promote kid's fishing. Maintaining Standard Regulations would not maximize kid's fishing opportunity.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 11: McGregor Lake

Page 38 add:

McGregor Lake

- *Crayfish: 20 daily and in possession; females with egg clusters must be released.*

Rationale: Crayfish in McGregor Lake are native species (*Pacifasticus leniusculus*) deserving protection. Concern has been raised about overfishing and confirmation of wanton waste has been observed through considerable numbers of intact crayfish observed in garbage dumpsters and in shallow water. Illegally introduced Smallmouth Bass are also exerting pressure on this crayfish population. Limiting the number of crayfish allowed will reduce wanton waste while still allowing capture by various methods including traps, snorkeling, SCUBA, or bait on fishing line.

Off cycle criteria: Conservation and Relevancy. Overharvest would negatively impact this native crayfish population and the recreational fisheries that utilize them. Growing interest in harvest of crayfish from McGregor Lake has developed the need for active management action.

Summary of Comments: Two comments were received for this proposal: one that recommended more crayfish restrictions statewide and one that preferred a higher bag limit of 30, 40, or 50 crayfish and adopt a minimum length limit similar to British Columbia or Washington (3 ¼ inches or 3 ½ inches). This commenter also preferred more public education before implementing crayfish restrictions.

Department Response to Comments and Recommendation: The department has been working with agency partners and universities to learn more about statewide distribution and conservation needs for native crayfish across the state. Instituting a 20 crayfish bag limit from what was once a no limit fishery to a tightly regulated one is a drastic measure, but the department believes that the unknown conservation status of this unique crayfish fishery warrants a very conservative management action. The department recommends adopting this regulation as proposed.

Central Fishing District

Proposal 12: Central District Bait Language

Page 48 change:

Transporting Live Fish

An import permit is required to bring live fish of any kind into Montana.

It is unlawful to possess or transport any live fish away from the body of water in which the fish were taken ~~without authorization from FWP~~ with the following exceptions:

1) *Possession and transport* ~~Transportation~~ of live fish for authorized commercial purposes (e.g. Commercial Bait ~~Baitfish~~-Seining Permit, Commercial Fish Ponds, Commercial Fishing, *permitted Fishing Contests*, ~~etc.~~);

2) Use ~~of as~~ live bait fish subject to restrictions ~~imposed by the F&W Commission~~ for the taking, *possession*, transport and use of live bait (see “**Bait Regulations**” for ~~Eastern Fishing District~~) below); ~~or~~

3) It is unlawful to possess or transport live fish, other than ~~authorized~~ *live non-game bait fish*, on roadways that form the boundary between the Eastern and Central fishing districts.

Page 50 and 51 change:

Bait Regulations

- Game fish, including Yellow Perch, may not be used as bait (~~live or dead~~) except as authorized below under “**Dead Bait**”. See “*Game Fish*” in definitions (page 92) for complete list of game species.
- ~~Possession of live non-game fish is prohibited on waters closed to using live fish as bait.~~
- It is unlawful to release live bait of any kind into Montana waters; do not empty any live bait containers at your fishing site.
- *Collection methods:* ~~Where live fish may be used as bait (see water list below under Live Bait),~~ Legal ~~n~~Non-game fish may be taken for use as live bait in the following manner:
 - with hook and line; or
 - with seines no larger than 12 feet by 4 feet; or
 - with minnow traps (the dimensions shall not exceed 24 inches x 12 inches x 12 inches); or
 - with cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet x 3 feet).
- See “*Dead Bait*” and “*Live Bait*” sections below for details on possession and use of non-game bait fish.
- *Collection Locations:* Non-game fish for use as live bait may be taken from waters where live fish may be used as bait (see water list under “*Live Bait*”). Nongame fish may be collected from water open to angling in the Central District but must be dead before transporting.
- ~~Legal non-game fish, except Sculpins (genus Cottus) which must be killed prior to transport, may only be transported live: to or from waters where live fish may be used as bait in the Central Fishing District, or anywhere within the boundaries of the Eastern Fishing District. Note: Sculpins (genus Cottus) may not be used for bait in the Western District.~~
- ~~Landowner permission is required to capture live bait from privately owned ponds or irrigation systems for personal use. A Commercial Fishing License (page 89) and a Commercial Pond License is required to sell bait from a privately owned pond.~~
- See Commercial Fishing License (page 89) requirements for information on ~~commercial harvest permits.~~
- All unattended fishing devices (crayfish traps, minnow traps, fish traps, setlines, etc.) must have the angler’s name and phone number or name and ALS# attached.

- Areas within the Central Fishing District that have been identified as contaminated with Eurasian watermilfoil have additional bait restrictions as described below.

Dead Bait

- Non-game fish (*see “Collection methods” above*) that are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial lures only. Heads and entrails of non-game fish may also be used as bait.
- Whole game fish may not be used as bait. Parts/pieces of Bass, Burbot (Ling), Channel Catfish, Crappie, Northern Pike, Paddlefish, Sauger, Shovelnose Sturgeon, ~~Tiger-Muskie~~, Walleye, or Yellow Perch may be used as bait if edible portions are not wasted.
- The eggs of *Salmonids* (Char, Cisco, Arctic Grayling, Salmon or Trout) may be used as bait. *Other parts/pieces of Salmonids may not be used as bait.*

Live Bait

- Live bait fish may not be imported into Montana, except by permit for use in Bighorn Lake and Afterbay Reservoir.
- Bait fish collected in the Bighorn River drainage of Wyoming may be imported under a permit issued by FWP for use only in Bighorn Lake. For a permit, contact the FWP Fisheries Division at 2300 Lake Elmo Drive, Billings, MT 59105 or call (406) 247-2940.
- Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians and insects may be used as bait on all waters not restricted to artificial lures only. *Transport of invasive species is unlawful.*
- Leeches may only be imported into Montana from FWP-approved leech dealers. Anglers who import leeches must have in their possession a bill of-sale (a receipt) from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.
- *Non-game fish species that may be collected, possessed and used as live bait in the Central Fishing District include only the following: Fathead Minnow, Flathead Chub, Western Silvery Minnow, Plains Minnow, Emerald Shiner, Longnose Dace, Lake Chub, Creek Chub, Longnose Sucker, and White Sucker. All other non-game fish species (not listed above) must be released immediately at the collection site or killed prior to transporting away from the collection site (see “Dead Bait” above). See pages 94-95 for live bait fish identification. Be proactive, bait fish that cannot be positively identified should not be used as live bait.*
- ~~These~~ *The non-game fish species listed above may be used as live bait only in the following waters:*

(List omitted for brevity. No changes currently proposed.)

Rationale: Proposed changes are intended to clarify some areas of confusion regarding collection and use of live and dead bait. Additional language was added to this proposal to accommodate transport of fish for certain permitted fishing contests.

Off cycle criteria: Clarification and consistent use of language used in statute or rules. Enforcement, adding the word “possession” within regulations makes enforcement of the bait regulations possible.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 13: Central Fishing District Crappie

Page 53 add:

Crappie: 15 daily and 30 in possession.

Rationale: Currently, Crappie fishing is unregulated in the Central Fishing District. With improved quality in some Crappie fisheries, anglers have voiced concerns that overharvest may negatively impact quality of some fisheries. This proposed Central District Standard would match Crappie standards in the Eastern Fishing District.

Off cycle criteria: Conservation and Relevancy. Overharvest would have negative impacts to some Crappie sport fisheries. Growing interest in some Crappie fisheries has developed the need for active management action.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 14: Hauser Reservoir Yellow Perch

Page 62 change:

Hauser Reservoir

Including Canyon Ferry Dam tailwater and Lake Helena

- Combined trout and Kokanee Salmon: 5 trout and Kokanee Salmon daily and in combination and 10 trout and Kokanee Salmon in possession in any combination.
- Walleye: 20 daily, only 1 over 25 inches. Possession limit is twice the daily limit.
- Yellow Perch: 10 daily and in possession *July 1 through March 31; 1 daily and in possession, 14 inch minimum, April 1 through June 30* ~~except from April 1 through June 30, only 1 fish daily and in possession, 14 inch minimum.~~
- Northern Pike: No limit.
- Catch-and-release for Brown Trout, except anglers 14 years of age or younger may take 1 Brown Trout daily and in possession, any size.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

Rationale: The intent of this regulation is to limit the number of spawning sized Yellow Perch harvested in the spring. This proposed change is intended to clarify the regulation.

Off cycle criteria: Clarification.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 15: Lake Helena Yellow Perch

Page 64 change:

Lake Helena

- Combined trout and Kokanee Salmon: 5 trout and Kokanee Salmon daily and in combination and 10 trout and Kokanee Salmon in possession in any combination.
- Walleye: 20 daily, only 1 over 25 inches. Possession limit is twice the daily limit.
- Yellow Perch: 10 daily and in possession *July 1 through March 31; 1 daily and in possession, 14 inch minimum, April 1 through June 30* ~~except from April 1 through June 30, only 1 fish daily and in possession, 14 inch minimum.~~
- Northern Pike: No limit.
- Catch-and-release for Brown Trout, except anglers 14 years of age or younger may take 1 Brown Trout daily and in possession, any size.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

Rationale: The intent of this regulation is to limit the number of spawning sized Yellow Perch harvested in the spring. This proposed change is intended to clarify the regulation.

Off cycle criteria: Clarification.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 16: Lake Sutherlin Kokanee

Page 64 add:

Lake Sutherlin

(Including inlet areas on state land)

- *Snagging: open for Kokanee Salmon October 1 through December 31, 35 daily and 70 in possession*

Rationale: The Kokanee Salmon fishery in Lake Sutherlin has been maintained through annual stocking since 2014. Salmon run up the reservoir tributaries each fall to spawn, and anglers have requested the opportunity to snag fish during the spawn. This proposal corresponds with

strategies in the Statewide Fisheries Program and Guide to establish population and recreational fishery for consumptive harvest.

Off cycle criteria: Relevancy. Maintaining standard district regulations would not allow this fishing opportunity. Proposal also matches strategies outlined in the Statewide Fisheries Program and Guide (Management Plan).

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 17: Newlan Creek Reservoir

Page 68 change:

Newlan Creek Reservoir

(Including 400-yard reach of inlet stream from the mouth up to a concrete water weir, and a 120-yard reach from the dam outlet down to Secondary Highway 259 culvert crossing)

- Snagging: open for Kokanee Salmon October 1 through ~~October~~ December 31; 15 35 daily and 30 70 in possession.

Rationale: This proposed change maintains constancy with snagging regulations for Lake Sutherlin and Deadman's Basin Reservoir. Similar user groups snag at each of these reservoirs and this change is expected to reduce confusion and improve compliance with regulations.

Off cycle criteria: Enforcement.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 18: Red Rock Creek

Page 69 remove:

Red Rock Creek (Beaverhead River drainage)

- Open entire year except May 15 through June 14.
- ~~Cutthroat Trout: No harvest of Cutthroat Trout.~~
- Artificial lures only.

Rationale: Yellowstone Cutthroat Trout are non-native to Red Rock Creek and may adversely impact juvenile Arctic Grayling through predation and competition. Liberalization (2013) and restriction (2018) on Cutthroat Trout harvest were requested by Red Rocks National Refuge staff to assess their effect on grayling. Since then Cutthroat Trout abundance has increased and research has indicated they do not limit the grayling population. Returning to standard Central District harvest regulations in place during previously high grayling densities is proposed.

Off cycle criteria: Conservation action to enhance Arctic Grayling population.

Summary of Comments: One comment was received in support of this regulation to conserve native fish in the area.

Department Recommendation: The department recommends adopting as proposed.

Proposal 19: Shields River

Page 69 add:

Shields River

Upstream of Chadbourne Diversion

- *Smallmouth Bass: All Smallmouth Bass caught must be killed immediately, kept and the entire fish turned into FWP. Anglers who catch Smallmouth Bass in the Shields River above the Chadbourne Diversion are required to report the catch to FWP within 24 hours (406-577-7900). Anglers will be asked to provide location, date, and time of capture and may be asked to provide their full name, ALS number, and phone number. Anglers are required to turn in the whole Smallmouth Bass to a FWP office within 10 days of capture (frozen is allowed) during regular business hours.*

Rationale: An unauthorized introduction of Smallmouth Bass was confirmed in Cottonwood Reservoir in July and shortly after an angler reported a Smallmouth Bass in the Shields River near the confluence with Rock Creek (approximately 1 mile above the Chadbourne Diversion). Cottonwood Reservoir lies in the upper basin of the Shields River, which is considered a conservation stronghold for Yellowstone Cutthroat Trout. Expansion of a Smallmouth Bass population in the Shields could threaten the cutthroat population via predation and competition for habitat. While the department assess options to eliminate the bass in Cottonwood Reservoir this action is expected to curb expansion of the bass population in the Shields basin while providing the opportunity for the department to determine the status of bass in the river.

Off cycle criteria: Emergency action to reduce impacts of an illegal Smallmouth Bass introduction.

Summary of Comments: Since this unauthorized introduction was only recently confirmed, this proposal was not included in the regulations presented in August. No public comment has been collected for this proposal.

Department Recommendation: The department recommends adopting as proposed.

Eastern Fishing District

Proposal 20: Eastern District Bait Language

Page 76 change:

Transporting Live Fish

An import permit is required to bring live fish of any kind into Montana.

It is unlawful to possess or transport any live fish away from the body of water in which the fish were taken ~~without authorization from FWP~~ with the following exceptions:

- 1) *Possession and transport* ~~Transportation~~ of live fish for authorized commercial purposes (e.g. Commercial Bait ~~Baitfish~~-Seining Permit, Commercial Fish Ponds, Commercial Fishing, *permitted Fishing Contests, etc.*);
- 2) Use ~~of~~ as live bait fish subject to restrictions ~~imposed by the F&W Commission~~ for the taking, *possession*, transport and use of live bait (see “**Bait Regulations**” for Eastern Fishing ~~District~~) below); ~~or~~
- 3) Within the boundaries of the Eastern Fishing District. It is unlawful to possess or transport live fish, other than ~~authorized live non-game bait fish~~, on roadways that form the boundary between the Eastern and Central fishing districts; ~~or~~
- 4) *Possession and transport* ~~Transport~~ of live *non-game bait fish* to and from areas contaminated with Eurasian watermilfoil (Fort Peck Reservoir, Fort Peck Dredge Cut Ponds, and the Missouri River from Fort Peck Dam to the mouth of the Milk River) is allowed ONLY in clean water (e.g. transport ~~minnows~~ *bait fish* in well water).

Page 78 and 79 change:

Bait Regulations

- Game fish, including Yellow Perch, may not be used as bait ~~(live or dead)~~ except as authorized below under “**Dead Bait**”. See “*Game Fish*” in definitions (page 92) for complete list of game species.
- ~~Possession of live non-game fish is prohibited on waters closed to using live fish as bait.~~
- It is unlawful to release live bait of any kind into Montana waters; do not empty any live bait containers at your fishing site.
- *Collection methods:* ~~Where live fish may be used as bait (see water list below under Live Bait), Legal~~ ~~n~~Non-game fish may be taken for use as live bait in the following manner:
 - with hook and line; or
 - with seines no larger than 12 feet by 4 feet; or
 - with minnow traps (the dimensions shall not exceed 24 inches x 12 inches x 12 inches); or
 - with cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet x 3 feet).
- See “*Dead Bait*” and “*Live Bait*” sections below for details on possession and use of non-game bait fish.
- *Non-game fish may be taken from:*

1) waters where live fish may be used as bait (see water list below under “Live Bait”);

2) all rivers and streams;

3) all irrigation ditches, canals and associated infrastructure; or

4) public and private ponds with fathead minnows.

- ~~Legal non-game fish, except Sculpins (genus Cottus) which must be killed prior to transport, may only be transported live: to or from waters where live fish may be used as bait in the Central Fishing District, or anywhere within the boundaries of the Eastern Fishing District. Note: Sculpins (genus Cottus) may not be used for bait in the Western District.~~
- Landowner permission is required to capture live bait from privately owned ponds *or irrigation systems for personal use. A Commercial Fishing License (page 89) and a Commercial Pond License is required to sell bait from a privately owned pond.*
- ~~See Commercial Fishing License (page 89) requirements for information on commercial harvest permits.~~
- All unattended fishing devices (crayfish traps, minnow traps, fish traps, setlines, etc.) must have the angler’s name and phone number or name and ALS# attached.
- Areas within the Eastern Fishing District that have been identified as contaminated with Eurasian watermilfoil have additional bait restrictions as described below.

Dead Bait

- Non-game fish (*see “Collection methods” above*) that are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial lures only. Heads and entrails of non-game fish may also be used as bait.
- Whole game fish may not be used as bait. Parts/pieces of Bass, Burbot (Ling), Channel Catfish, Crappie, Northern Pike, Paddlefish, Sauger, Shovelnose Sturgeon, ~~Tiger Muskie~~, Walleye, or Yellow Perch may be used as bait if edible portions are not wasted.
- The eggs of *Salmonids* (Char, Cisco, Arctic Grayling, Salmon or Trout) may be used as bait. *Other* parts/pieces of Salmonids may not be used as bait.

Live Bait

- Live bait fish may not be imported into Montana.
- Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians and insects may be used as bait on all waters not restricted to artificial lures only. *Transport of invasive species is unlawful.*
- Leeches may only be imported into Montana from FWP-approved leech dealers. Anglers who import leeches must have in their possession a bill of-sale (a receipt) from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.

- *Non-game fish species that may be collected, possessed and used as live bait in the Eastern Fishing District include only the following: Fathead Minnow, Flathead Chub, Western Silvery Minnow, Plains Minnow, Emerald Shiner, Longnose Dace, Lake Chub, Creek Chub, Longnose Sucker, and White Sucker. All other non-game fish species (not listed above) must be released immediately at the collection site or killed prior to transporting away from the collection site (see “Dead Bait” above). See pages 94-95 for live bait fish identification. Be proactive, bait fish that cannot be positively identified should not be used as live bait.*
- ~~These~~ *The non-game fish species listed above may be used as live bait only in the following waters:*

Lakes, Reservoirs, Ponds and Impoundments (listed by County): (omitted list for brevity, list will remain the same for the regs book)

Rivers and Streams: All streams and rivers in the Eastern Fishing District except: (omitted list for brevity, list will remain the same for the regs book)

Rationale: Proposed changes are intended to clarify some areas of confusion regarding collection and use of live and dead bait. Additional language was added to this proposal to accommodate transport of fish for certain permitted fishing contests.

Off cycle criteria: Clarification and consistent use of language used in statute or rules. Enforcement, adding the word “possession” within regulations makes enforcement of the bait regulations possible.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.

Proposal 21: Fort Peck Kids Pond

Page 85 remove:

~~Fort Peck Kids Pond (near Downstream Campground)~~

- ~~Open to fishing for anglers 14 years of age or younger only. One rod per child.~~

Rationale: Water quality in the pond no longer sustains a fishery. Other kids fishing opportunities will be pursued in the area.

Off cycle criteria: Relevancy.

Summary of Comments: No comments received.

Department Recommendation: The department recommends adopting as proposed.